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TOWNSEND&BANTA

+1 301 754 6495 P.01/03
Docket No.: SHI-015-USA-PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE THE APPLICATION OF:

M. Kurosawa, et al.

SERIAL NO.: 09/869,804

FILED: July 5, 2001

TITLE: Two-Layer Makeup Cosmetic Composition

THE COMMISSIONER OF PATENTS
AND TRADEMARKS
WASHINGTON, D.C. 20231

FAX RECEIVED

GROUP: 1615

FEB 26 2002

EXAMINER: A. Berman

GROUP 1600

OFFICIAL

SIR:

TRANSMITTED HERewith IS AN ☐ AMENDMENT, ☒ RESPONSE TO RESTRICTION REQUIREMENT, ☐ AMENDMENT AFTER FINAL REJECTION IN THE ABOVE-IDENTIFIED APPLICATION.☐ Small entity status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a verified statement previously submitted.☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.☒ No additional fee is required.

THE FEE HAS BEEN CALCULATED AS SHOWN BELOW:

CLAIMS	REMAINING AFTER AMENDMENT		HIGH.# PREV. PAID FOR	PRESENT EXTRA	SMALL ENTITY RATE ADD'L FEE	OTHER THAN A SMALL ENTITY RATE ADD'L FEE
TOTAL	4	MINUS	20	= 0	X9=\$	X18=\$0
INDEP.	1	MINUS	3	= 0	X42=\$	X84=\$0

<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM		+140=\$	+280=\$
	TOTAL ADD'L FEE		-0-

☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 20-1424. A duplicate copy of this sheet is attached.

- ☒ Any additional filing fees under 37 C.F.R. 1.16 for the presentation of extra claims.
☒ Any patent application processing fees under 37 C.F.R. 1.17.
☒ Any extensions of time under 37 C.F.R. 1.17.

☐ Please charge my deposit account No. 20-1424 in the amount of \$☐ A check in the amount \$ -0- is attached.

Date: February 25, 2002.

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Date: February 25, 2002

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted by facsimile to the United States Patent and Trademark Office at (703) 872-9306, and addressed to the Attention of Examiner Alysia Berman, Technology Center 1600:

On February 25, 2002.

Donald E. Townsend, Jr.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
M. Kurosawa, et al.

Serial No.: 09/869,804

Art Unit: 1615

Filed: July 5, 2001

Examiner: A. Berman

For: Two-Layer Makeup Cosmetic Composition

RESPONSE TO RESTRICTION REQUIREMENT UNDER 35 U.S.C. 121

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Sir:

Responsive to the restriction requirement mailed January 25, 2002, in the matter of the above-identified application, Applicants hereby elect Group III, Claims 1-4, drawn to a composition comprising first layer foundation composition (3).

In addition, in response to the Examiner's requirement for election of species, Applicants elect a polyether-modified silicone represented by the general formula of claim 1, wherein B may be a methyl group or polyoxyalkylene group, and R¹² represents a methyl group.

It is respectfully submitted that the above is fully responsive to the outstanding Restriction Requirement. Further, it is respectfully submitted that this application is now in condition for examination on the merits and early action and allowance thereof is accordingly respectfully requested.

Respectfully submitted,

Donald E. Townsend, Jr.

Donald E. Townsend, Jr.
Reg. No. 43,198